GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:1117
ANSWERED ON:26.11.2002
AMENDMENT TO CRIMINAL PROCEDURE
SUBODH MOHITE

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Government propose to enact amendment in the code of criminal procedure to deal with overcrowding of undertrials and detenues of State jails;

(b) if so, the details thereof;

(c) whether the Union Government have received any request for upgradation and maintenance of Central Jails in the Vidharbha region of Mharashtra State;

(d) if so, the details thereof; and

(e) the action taken by the Government in this regard?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI I.D. SWAMI)

(a) & (b) The Code of Criminal Procedure (Amendment) Bill, 1994 introduced in the Rajya Sabha on 9th May, 1994 contains, inter-alia, a proposal to insert a new section namely; section 438 A in the code of Criminal Procedure, 1973 to provide that where an undertrial prisoner other than the one accused of an offence for which death has been prescribed as one of the punishments, has been under detention for a period extending to one-half of the maximum period of imprisonment provided for the alleged offence, he should be released on his personal bond, with or without sureties. It is also proposed to provide that in no case will an undertrial prisoner be detained beyond the maximum period of imprisonment for which he can be convicted for the alleged offence.

(c) to (e): After the approval of the new non-plan scheme for upgradation of prisons infrastructure, no proposal for upgradation and maintenance of Central jails in Vidharbha region has been received from the Government of Maharashtra.However, the State Government may include their requirement of new prisons or renovation of existing prisons in the new scheme launched by the Central Government for prison modernisation in the country from the current year.